

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MARK M. M.,

Plaintiff,

vs.

ANDREW SAUL, Commissioner of
Social Security,

Defendant.

CV 19-107-M-KLD

ORDER

Plaintiff, by and through his attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees incurred in prosecuting his Social Security appeal. He requests \$9,831.48 in fees. Defendant Commissioner of Social Security ("Commissioner") does not oppose Morning's application for fees request.

Upon Plaintiff's Motion for Fees under the Equal Access to Justice Act, and for good cause showing:

IT IS HEREBY ORDERED that attorney fees in the amount of \$9,831.48 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee

order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney, John E. Seidlitz, Jr., and delivered to:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees, after offset, will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 2nd day of July, 2020.



Kathleen L. DeSoto
U.S. Magistrate Judge